



13

February 28, 2012

Mr. Gary Greulich
New Jersey Department of Environmental Protection
Northern Regional Office
7 Ridgedale Avenue
Cedar Knolls, NJ 07927

RE: Remedial Action Progress Report No. 10 for the Retail Redevelopment Area Portion of the Former General Motors (GM) Linden Assembly Plant, 1016 West Edgar Road, Linden, Union County, New Jersey 07036; DUK059.701.0097.

Dear Mr. Greulich:

On May 26, 2009, the New Jersey Department of Environmental Protection (NJDEP) approved the New Jersey Remedial Action Workplan and RCRA Corrective Measures Proposal Addendum No. 1 (RAWP) for the Retail Redevelopment Area of the Former GM Linden Assembly Plant (Site; SRP PI# 014755; EA ID# SUB090001; BFO File Number: 20-09-24). The May 26, 2009 approval letter requested a Remedial Action Progress Report for the Retail Redevelopment Area on/by November 30, 2009. Subsequent reports are submitted on a quarterly basis.

This letter constitutes Remedial Action Progress Report No. 10 for the Retail Redevelopment Area. Hull & Associates, Inc. (Hull) has prepared this report on behalf of Linden Development LLC (Linden Development) to summarize remedial activities completed on the Site between December 1, 2011 and February 28, 2012.

Requirements, according to N.J.A.C. 7:26E-6.6, are shown below in ***bold italics***, with Hull/Linden Development's update following. The report certification required by N.J.A.C. 7:26E-1.5 is included in Attachment A.

1. ***NJDEP requires a description of each planned remedial action***
 - i. ***scheduled to be initiated or completed within the reporting period***
 - ii. ***actually initiated or completed during the reporting period; and***
 - iii. ***scheduled but not initiated or not completed during the reporting period, including the reasons for the noncompliance with the approved schedule.***

Soil

As outlined in the approved RAWP, the remedial activities for soils on the Retail Redevelopment Area consist of the following:

- a. Establishing deed restrictions or environmental covenants to maintain commercial/industrial land use at the Site;
- b. Regrading the site to achieve the grade necessary to support the proposed redevelopment;



- c. Constructing building slabs, parking areas and roadways and placing one foot of clean soil over geotextile fabric in future greenspaces to preclude direct contact exposures to future receptor populations and/or provide cover to historical fill material; and
- d. Surveying to demonstrate that all areas are covered with engineering controls (e.g., building slabs, parking areas and roadways) or one foot of clean soil.

These remedial activities are directly related to construction activities associated with the future redevelopment at the Site which are dependent upon finalization of agreements with end users. Linden Development has been working throughout the reporting period to finalize agreements with several end users that will ultimately occupy various portions of the Site. Given that end user agreements have not been finalized, the construction activities described in the RAWP have not yet been initiated.

As outlined in previous quarterly reports, Linden Development imported structural fill materials from off-site sources for use during the redevelopment consistent with the RAWP and the Revised Soil and Concrete Reuse Proposal (Revision 1.0) approved by NJDEP. No new materials were imported for use on the Retail Redevelopment Area during this reporting period. Materials were imported for use on the industrial portion of the property and are summarized in the quarterly report for the Industrial #1 Redevelopment Area provided under separate cover.

Linden Development performed additional sampling within the proposed Walmart parcel as part of internal due diligence requirements for Walmart ground lease negotiations. These additional sampling activities are summarized below.

Walmart-Related Sampling Activities

Initial Walmart-related soil and soil gas sampling activities were conducted between July 16 and July 22, 2010. Additional sampling was conducted in mid-November to further evaluate soil gas findings from the July 2010 activities. Preliminary results of the sampling were discussed with the NJDEP Case Manager, Mr. Gary Greulich, during a project update meeting on December 7, 2010, and a report summarizing the overall investigation findings was submitted to NJDEP in January 2011. Based on the results to date, Mr. Greulich requested shallow groundwater sampling within a portion of the Walmart parcel around soil gas sampling location WSG-3. That groundwater sampling was conducted in March 2011.

The results of the groundwater sampling were provided to NJDEP in a letter report dated April 22, 2011 and indicate that trichloroethene (TCE) was detected in groundwater at concentrations exceeding the NJDEP Class IIA groundwater standard near the WSG-3 soil gas location. Five temporary wells were installed and sampled in March 2011. Based on the layout of those temporary wells, the TCE in groundwater was delineated to the north, west and south, but was not delineated to the northeast in the area outside of the proposed Walmart building footprint. No TCE sources were identified in soils near the investigation area.

During a meeting with Mr. Greulich on June 21, 2011, Linden Development and Hull reviewed proposed locations for additional temporary wells to further delineate the

previously observed TCE in groundwater and aid a determination of potential response actions. Based on the results of that discussion the parties agreed to a scope that included installation of 9 additional temporary wells, with collection of soil and groundwater samples for laboratory analysis of volatile organic compounds (VOCs).

The additional temporary wells and sampling activities were completed during the previous reporting period. Linden Development and Hull reviewed the analytical results with Mr. Greulich during a project update meeting on October 18, 2011. A formal report summarizing those results is in process and will be submitted under separate cover.

Groundwater

As outlined in the approved RAWP, remedial actions related to groundwater underlying the overall Retail Redevelopment Area do not appear to be necessary. However, sporadic historical concentrations of lead in limited monitoring wells have exceeded groundwater quality criteria at the Site, as observed in previous groundwater sampling data. As a result, the NJDEP may consider that an indeterminate Classification Exception Area (CEA) is necessary due to these sporadic exceedances and the presence of historical fill at the Site. Based on discussions with Mr. Greulich conducted since November 2009, the indeterminate CEA will be established by NJDEP as part of finalizing the Site NFA and will include the overburden aquifer within the Site boundaries. As discussed on November 18, 2009 and reiterated during ongoing quarterly meetings, Mr. Greulich currently maintains the information necessary to establish the indeterminate CEA (if ultimately deemed necessary) and no additional submittals by Linden Development are required.

Evaluation of potential groundwater response actions associated with TCE detected in shallow groundwater within a limited portion of the Walmart parcel is ongoing and will be presented in a future summary report provided under separate cover.

Storm Sewer (AOI-18)

Remedial activities associated with AOI-18 are complete, as documented in Remedial Action Progress Report No. 1 (November 2009).

2. NJDEP requires discussion of problems and delays in the implementation of the RAWP, which should include proposals for corrections.

As discussed above, remedial activities are directly related to construction activities associated with the future redevelopment at the Site which are dependent upon finalization of agreements with end users. Given current economic conditions, the construction activities described in the RAWP will not be implemented until redevelopment deals with end users are finalized.

Linden Development is continuing to pursue finalization of agreements with several end users for the Retail Redevelopment Area. In the interim, conditions at the Site are stable given that GM's original cover types (asphalt, building pads, etc.) remain intact.

3. NJDEP requires proposals for a deviation from, or modification to, the approved RAWP.

No deviations from, or modifications to, the approved RAWP are planned or required at this time. In the event that additional groundwater response actions related to TCE in shallow groundwater at the Walmart parcel are determined to be required, Linden Development and Hull will work with NJDEP to promptly amend the approved RAWP.

As discussed in previous quarterly reports, Hull and Linden Development conducted initial discussions with Gary Greulich on August 24, 2010 regarding potential modifications to engineering control designs within the portion of the Site proposed for the Lowe's development. The potential modifications include using clean fill material below future concrete slabs as the engineering control for direct contact exposures, rather than the concrete slabs themselves as currently outlined in the approved RAWP. Based on the August 24, 2010 discussion, the potential modifications will be acceptable to NJDEP if they are requested. If the modifications are ultimately desired, Linden Development will provide a written request and seek NJDEP's formal approval to implement the modifications prior to finalizing site work for the Lowe's parcel.

4. NJDEP requires submittal of a revised schedule pursuant to N.J.A.C. 7:26E-6.5, to reflect the changes as noted in 1 through 3 above.

As discussed with Gary Greulich during previous quarterly meetings, implementation of the site earthwork activities is dependent on finalization of development agreements with end users. Agreements with end users are progressing, but finalization of agreements and the start of site earthwork activities are being delayed by the final appeals process associated with site plan and zoning approvals. Due to the appeals process, work anticipated to begin in 2011 has been delayed. Linden Development will provide NJDEP with a more detailed schedule as the legal appeals are finalized.

5. NJDEP requires an updated status of all permit applications relative to the critical path schedule.

The permits required for initiation of the remedial activities are summarized below.

Permit/Approval Type	Status	Notes
Planning Board Approval	Approved 1/9/09	Site plan approved by City of Linden Planning Board
NPDES Permit (Storm Water)	Approved 9/16/09	NPDES Permit No. 0088323
Soil Conservation District	Approved 9/16/09	Approved by Somerset-Union Conservation District

6. NJDEP requires a listing of each remedial action to be performed during the next reporting period.

Agreements with end users are progressing, but finalization of agreements and the start of site earthwork activities are being delayed by the final appeals process associated with site plan and zoning approvals. Due to the appeals process, work anticipated to begin in 2011

has been delayed. Linden Development will provide NJDEP with a more detailed schedule as the legal appeals are finalized.

Linden Development will be moving forward with some limited concrete removal during the next reporting period. These activities include demolition and off-site disposal of two small areas of the building slab associated with the former main assembly plant building. The two areas are being removed due to PCB concentrations in concrete samples above the criteria approved for reusing crushed concrete on the site as structural fill. Linden Development submitted a notification of the concrete removal to NJDEP and U.S. EPA dated February 3, 2012. The notification was provided to satisfy the requirements for self-implementing cleanup and disposal of PCB-impacted concrete pursuant to 40 CFR 761.61(a)(3). The February 3, 2012 submittal provides a summary of the characterization sampling methods and results, work plan for concrete removal and disposal and other information required by 40 CFR 761.61(a)(3). Linden Development is currently finalizing contract arrangements with an appropriate contractor for performing the concrete removal activities, and the parties anticipate completing the work in March or April 2012.

7. NJDEP requires costs of each remedial action

- i. Annual summary of all remedial action costs incurred to date; and**
- ii. Revised cost estimate for remedial actions remaining to be performed.**

Given that significant construction and remedial implementation has not yet commenced, significant remedial costs have not yet been accrued, with the exception of minor costs for the storm sewer cleaning (i.e., approximately \$7,000) reported in Remedial Action Progress Report No. 1.

The cost estimate for completing remedial activities remains consistent with that presented in the RAWP (i.e., approximately \$7,500,000 for earthwork and construction of engineering controls).

8. NJDEP requires a tabulation of sampling results (according to N.J.A.C. 7:26E-3.13(c)3) received during the reporting period and a summary of the data and any conclusions, presented in a format consistent with N.J.A.C. 7:26E-4.8.

Sampling results associated with supplemental soil and groundwater sampling at the Walmart parcel (discussed previously) were reviewed with Mr. Greulich during a project update meeting on October 18, 2011. A formal report providing those results is currently being prepared and will be provided under separate cover.

9. NJDEP requires a summary of active groundwater remedial actions

- i. groundwater elevation maps with groundwater flow shown immediately before and during active groundwater remediation;**
- ii. graphs depicting changes in concentrations over time for all impacted wells as well as all down-gradient wells;**
- iii. summary of volume of water treated since last reporting period and the total volume treated since active remedial action commenced; and**
- iv. Summary of groundwater contamination, indicating either that contamination remains above applicable standards (include a proposal**

detailing additional remedial actions) or that concentrations are below applicable standards.

As outlined in the approved RAWP, remedial actions related to groundwater underlying the Retail Redevelopment Area do not appear to be necessary (see discussion under item 1). In the event that additional groundwater response actions are required due to the TCE discovered in shallow groundwater at the Walmart parcel, Linden Development and Hull will work with NJDEP to promptly amend the approved RAWP.

- 10. NJDEP requires a summary of natural remediation groundwater remedial actions**
- i. Summary table of the groundwater monitoring results collected; and***
 - ii. Conclusions whether data indicate that natural remediation is no longer appropriate (must then also submit a revised RAWP)***

As outlined in the approved RAWP, remedial actions related to groundwater underlying the Retail Redevelopment Area do not appear to be necessary (see discussion under item 1). In the event that additional groundwater response actions are required due to the TCE discovered in shallow groundwater at the Walmart parcel, Linden Development and Hull will work with NJDEP to promptly amend the approved RAWP.

- 11. NJDEP requires a description of all wastes generated as a result of the remedial action**
- i. Tabulation of waste characterization samples collected, including the physical state of the material, volume, number of samples, analyses performed and results;***
 - ii. Listing of types and quantities of waste generated by the remedial action during the reporting period as well as to date;***
 - iii. Name of the disposal facility used;***
 - iv. Transporters' dates of disposal; and***
 - v. Manifest numbers of each waste shipment.***

No wastes were generated during the reporting period.

- 12. NJDEP requires that any additional support documentation that is available also be provided (photos, etc.).**

Given that the majority of the remedial activities have not yet been implemented, no additional support documentation is available.

Mr. Gary Greulich
DUK059.701.0097
February 28, 2012
Page 7

The next scheduled remedial action progress report will include remedial actions completed between February 29, 2012 and May 31, 2012. Please feel free to contact Bill Dennis at (412) 446-0315 with any questions regarding the update provided herein.

Sincerely,

A handwritten signature in black ink that reads "Bill Dennis III". The signature is written in a cursive style with a large, looped initial "B".

Bill Dennis
Senior Project Manager

Attachments

ct: Brian Strohl – Linden Development, LLC
Clifford Ng – U.S. EPA Region 2

ATTACHMENT A
Report Certification

Certification

Linden Development, LLC
ISRA Case Number E20040531

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, to the best of my knowledge, I believe that the submitted information is true, accurate and complete. I am aware that there are significant civil penalties for knowingly submitting false, inaccurate or incomplete information and that I am committing a crime of the fourth degree if I make a written false statement which I do not believe to be true. I am also aware that if I knowingly direct or authorize the violation of any statute, I am personally liable for the penalties.

Date: 2/27/12

Linden Development, LLC

By:



William J. DeBoer, Executive V.P.

Sworn to and subscribed to before
me on this 27th day
of February, 2012

Alicia E. Guest
Notary



De... E...
Notary Public State of
My Commission Expires
May 20 20